

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

FRANCIS D. JONES, JR., #37566037,
Plaintiff

v.

CLERK OF COURT,
Defendant.

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CIVIL ACTION NO. PJM-05-2998

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MEMORANDUM OPINION

On November 2, 2005, Francis D. Jones, Jr., a prisoner confined at the Federal Correctional Institution in Cumberland, Maryland, filed a complaint under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. Plaintiff states that in October of 2005, he wrote to the Clerk of this Court seeking “copies of the affidavit(s) used to establish probable cause for the search and arrest warrant given to DCIS and FBI.” An employee of the Clerk’s office wrote back to Plaintiff advising him that “There is no public record.” In response, Plaintiff has filed the instant complaint seeking copies of the requested documents under 5 U.S.C. § 552. Paper No. 1.

Federal courts and the clerks’ offices that receive court pleadings are not “agencies” covered under the FOIA. Indeed, the FOIA, does not apply to courts of the United States. *See* 5 U.S.C. § 551; *Smith v. United States District Court for the Southern District of Illinois*, 956 F.2d 647, 649 n.1 (7th Cir. 1992); *see also Cook v. Willingham*, 400 F. 2d 885 (10th Cir. 1968); *Harris v. United States*, 121 F.R.D. 652, 654 (W.D.N.C. 1988). Therefore, Plaintiff’s FOIA Complaint shall be dismissed by separate Order.¹

Date: 11/8/05

/s/

PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

¹ Plaintiff did not file the \$250.00 civil filing fee or a motion for leave to proceed in forma pauperis. In light of the dismissal of this matter, he shall not be required to cure this deficiency.